

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 448 be amended to read as follows:

- 1 Page 6, after line 42, begin a new paragraph and insert:
- 2 "SECTION 3. IC 6-1.1-20.3-7, AS AMENDED BY P.L.146-2008,
- 3 SECTION 206, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If the fiscal body of a
- 5 distressed political subdivision submits a petition under section 6 of
- 6 this chapter, the board shall review the petition and assist in
- 7 establishing a financial plan for the distressed political subdivision.
- 8 (b) In reviewing a petition submitted under section 6 of this chapter,
- 9 the board:
- 10 (1) shall consider:
- 11 (A) the proposed financial plan;
- 12 (B) comparisons to similarly situated political subdivisions;
- 13 (C) the existing revenue and expenditures of political
- 14 subdivisions in the county; and
- 15 (D) any other factor considered relevant by the board; **and**
- 16 (2) may establish subcommittees or temporarily appoint
- 17 nonvoting members to the board to assist in the review.
- 18 **(c) Subject to subsection (d), the board shall issue a final written**
- 19 **determination concerning a petition not more than thirty (30) days**
- 20 **after the petition is submitted to the board under section 6 of this**
- 21 **chapter. In the determination, the board may do any of the**
- 22 **following:**
- 23 **(1) Deny the relief requested in the petition.**
- 24 **(2) Grant the relief requested in the petition in whole or in**

part and approve the financial plan included with the petition with or without modifications.

(3) Grant any other relief permitted under this chapter.

(d) The fiscal body of a distressed political subdivision may request in writing one (1) extension of the time in which the board may issue a final determination under this chapter. To be effective, an extension must be approved by the fiscal body before the elapse of the period being extended. If a fiscal body requests an extension under this subsection, the board has an additional thirty (30) days to make a final determination concerning a petition submitted under section 6 of this chapter.

(e) If the board fails to make a determination concerning a petition submitted under section 6 of this chapter within the time permitted under subsection (c), as extended (if applicable) under subsection (d), the distressed political subdivision shall be treated as entitled to the relief requested in the petition to the same extent as if the board had authorized the relief in a final determination. For purposes of this chapter, the financial plan included with the petition shall be treated as being established by the board and agreed to by the fiscal body of the distressed political subdivision submitting the petition."

Page 15, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-20.3-7, as amended by this act, applies both to:

(1) petitions submitted to the distressed unit appeal board under IC 6-1.1-20.3-6 that are pending before the board on the effective date of this SECTION; and

(2) petitions submitted to the distressed unit appeal board under IC 6-1.1-20.3-6 on or after the effective date of this SECTION.

(b) This subsection applies to a petition that was submitted to the distressed unit appeal board under IC 6-1.1-20.3-6 on or before March 1, 2009, and that is pending before the distressed unit appeal board on April 15, 2009. On the effective date of this SECTION, the distressed political subdivision submitting the petition shall be treated as entitled to the relief requested in the petition to the same extent as if the distressed unit appeal board had authorized the relief in a final determination under IC 6-1.1-20.3 before April 16, 2009. For purposes of IC 6-1.1-20.3, the financial plan included with the petition shall be treated as

1     **being established by the distressed unit appeal board and agreed**  
2     **to by the fiscal body of the distressed political subdivision**  
3     **submitting the petition.**

4         **(c) This SECTION expires January 1, 2011."**

5         Renumber all SECTIONS consecutively.

          (Reference is to ESB 448 as printed April 10, 2009.)

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Representative Crawford